

PR#9833

PHILLIPS, SHANON

1/17/2008

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.
W. A. DREW EDMONDSON, in his
capacity as ATTORNEY GENERAL
OF THE STATE OF OKLAHOMA and
OKLAHOMA SECRETARY OF THE
ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TURSTEE
FOR NATURAL RESOURCES FOR
THE STATE OF OKLAHOMA,

Plaintiffs,

vs.

05-CV-0329 GKF-SAJ

TYSON FOODS, INC., TYSON
POULTRY, INC., TYSON CHICKEN,
INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS,
INC., CAL-MAINE FARMS, INC.,
CARGILL, INC., CARGILL TURKEY
PRODUCTION, LLC, GEORGE'S, INC.,
GEORGE'S FARMS, INC., PETERSON
FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Defendants.

VIDEO DEPOSITION OF SHANON PHILLIPS
TAKEN ON BEHALF OF THE DEFENDANTS
JANUARY 17, 2008, BEGINNING AT 9:00 A.M.
IN OKLAHOMA CITY, OKLAHOMA

REPORTED BY: Laura L. Robertson, CSR, RPR

EXHIBIT

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1 will ask you a question and then I just want to you
2 give an answer.

3 We need to try to not talk over each other,
4 otherwise our court reporter will have a hard time
5 making a clear record. So if you can agree to that.

6 If you need a break, just say so and we will
7 take a break. I'm not going to allow you to take a
8 break while a question is pending, but after you have
9 answered the question, if you need a break, just let
10 me know and we will take a break.

11 Lastly, I'm going to ask you questions, and
12 if you don't understand my question, if you don't hear
13 me, if it is not clear, ask me to rephrase it; okay.

14 If you don't ask me to rephrase it, I'm
15 going to assume that you understood my question and
16 that you have given me a full and complete answer,
17 okay? Is that fair?

18 A. Yes.

19 Q. Okay. What is your current title?

20 A. I'm the Assistant Director of the Water
21 Quality Division of the Oklahoma Conservation
22 Commission.

23 Q. Okay. And what is the Water Quality
24 Division of the Conservation Commission?

25 A. The Water Quality Division of the

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1 Conservation Commission is the portion of the
2 Commission that's responsible for implementing the 319
3 program.

4 Q. What is the 319 program?

5 A. The 319 program is an EPA funded program
6 that is the non-point source pollution program that
7 deals with nonregulatory aspects of non-point source
8 pollution.

9 Q. Other than administering 319 monies and the
10 319 program, what is the charge of the Water Quality
11 Division of the Oklahoma Conservation Commission?

12 A. The charge of the Water Quality Division is
13 to serve as the technical lead for the non-point
14 source program in the State of Oklahoma.

15 MR. TUCKER: I'm sorry, ask you to speak
16 just a little bit louder.

17 THE WITNESS: Sure. The charge of the Water
18 Quality Division of the Conservation Commission is to
19 serve for the non-point source technical lead for the
20 State of Oklahoma.

21 Q. (BY MR. JANTZEN) Okay. When you say
22 "non-point source," what does that mean?

23 A. That refers to pollution that is not from
24 point sources or an identified source, but rather
25 pollution that is from diffuse sources, usually

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1 associated with rainfall events.

2 Q. Okay.

3 A. That runs off the surface of the land or
4 through infiltrates into groundwater.

5 Q. Okay. So a non-point source would not be a
6 discharge of pollutants as coming from a pipe or what
7 we call a discreet conveyance; correct?

8 A. Yes.

9 Q. Okay. What is your educational background?

10 A. I received a bachelors of science degree in
11 Kansas State University in biology, with a focus in
12 preveterinary medicine.

13 I attended Oklahoma State University where I
14 studied in zoology and received my masters of science
15 degree in zoology. And I have completed a number of
16 post-graduate courses towards a Ph.D., but I have not
17 completed that course of study.

18 Q. And what are you studying for your Ph.D?

19 A. I am in no longer pursuing my Ph.D.

20 Q. What were you studying for your Ph.D?

21 A. I was in the zoology program.

22 Q. Did you have a particular focus in zoology,
23 other than your masters program or in the Ph.D. course
24 work?

25 A. The focus was on aquatic ecology.